App F IX-4

Previous References (1944-45 Mle) Mle File No. 126-44. Serial Nos 1 and 2

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for May 45

SUBJECT

Re: Presiding Authority Grant Box, Committee Meetings

To

The Pdt, City Mle Be,
Mysore

L- 11273 dated 21-5-45

States that the Vice Pdt, Presided over the said Committee not as Vice Pdt, but in his Capacity as Pdt, and that accordingly the Proceedings of the Committee are valid and binding.

4/8

5941 / L &249/44 / P

Letter No MS. 118-497/43 & 9-3-45 from the Addl, Cif. Mc CL, Mysore, requesting to be intimated whether the proceedings of the Grant Committee presided over by the Vice Chairman of the Mc CL as incharge Chairman are valid etc

Submitted The Mc Advocate who was consulted in the matter has stated that the proceedings of the Committee are valid as the Vice Chairman presided over the meeting of the Committee as incharge Chairman during the absence of the Chairman on casual leave

The Law section will also be consulted

Vide 31/3

Ms will be sent to the Law section for opinion

Law Secy 2/4/45

SECY LAW DEPT 7798 GOVT OF MYSORE

3 4/4/

In favour of Mem Asst Secy Law Secy 3/4/45

Secy 3-4-45

Law 3/4/45

Submitted:

During the absence of the President City Mc CL, Mysore, the Vice-President presided over the Grant Committee, though he was not a member of the committee, and

i/ Validity of proceedings of Grants Committee of Hyson City Council 12/7/45

Conducted the proceedings as President-in-chair

The point for consideration is whether the proceedings are valid

Under S 34 (1) the President if a member of any committee shall be ex-officio chairman thereof under cl (4) known. if the ex-officio chairman does not attend the meeting the committee may appoint its own chairman

But in the present case the Vice-President is stated to have been President-in-charge Under S 21 2 (b) of the City Municipalities Act during the absence of the president on leave, the Vice-President shall exercise all the powers of the President The Municipal Advocate holds the same view 3! appears therefore the proceedings of the Grants Committee presided over by the Vice-President as President-in-chair are valid.

City Municipalities Act Ply Code 1917

As the President was an ex-officio Vice-President steps in their shoes, & in their capacity as Vice-President he presides over the meeting. I think the view of the Municipal Advocate may be accepted

NMAA 3.4.45 4/4

Asst Secy L&S 4/5

3/5/45

Mr Klug 5/5/45

5'941
L

3

The opinion furnished by the Law section is submitted for orders

CHS
7/5

A draft reply is prepared for signature

7/5 Mys

submitted with a draft letter for approval.

CHS
10/5

Jamieson
11/5 Mys

RB 7/6. To the President cite Sec Cl. Hayburn
L 11273 d. 21/5/45
intimates as valid & binding,
the proceedings of the Committee presided over
by the Vice President in his capacity as
President.

B

RB 7/6

~~No.G2-2541~~ Office of the Municipal Advocate, 6
Mysore City 2nd November, 1944.

NOTE.

I have read the note put up by the Office.

Section 26(2) (b) casts a duty on the Vice-President to exercise the powers and perform the duties of the President during the absence of a President on leave. The word 'shall' is used in the section. During the absence of the President on leave (leave being of any kind as no distinction is made in the Act) the Vice-President can exercise all the powers and perform all the duties of the President.

In the absence of the President whose duty it was to preside over the meetings the Vice-President being in charge of his office, powers and duties, and in the exercising of such powers and performing such duties was bound to preside over the meeting. The President is a member of the Sub-Committee by virtue of his office and presides over them as such and Vice-President who happened to be in charge was duly bound to attend the meeting and discharge his duties. Though in his individual capacity he might have been a member, the right of presiding over the meeting and having presided to exercise all the powers of the President will be in his ex-officio capacity and not in his individual capacity. If he were not the President in charge but had attended as an ordinary member, the Committee ought to have had its own Chairman. But as he has attended the meetings by virtue of his office as President-in-Charge, and the exercising of the powers and discharging the duties as such, is warranted in law and all the deliberations and proceedings are legal, valid and binding.

Sd.M.Shankariah,

Municipal Advocate.

"COPY"

PRESIDENT.

SNR.

2/11/1944

Mu 126-44-1

Office of the President,
City Municipal Council, Mysore

No. M5-118-497/43 5941 Date 8th March 1945

Encl (1)

From

R Ramachandra Rao Bhombore, Esq., B A,
President, City Municipal Council,
MYSORE

To

C.Narayanaswamy Naidu, Esq., B.A.,B.L.,
Legal Remembrancer and Secretary to Government
Law Department, Bangalore.

Sir,

Subject:- Presiding Authority for Committee meeting.

I have the honour to state that I was absent on casual leave from 17th to 21st April 1944, and the Vice-President, was in charge of the President's office. During this period, the Vice-President, presided over the Grants Committee though he was not a member of this Committee and conducted the proceedings, as President-in-Charge. According to Sec.34(i) of the City Municipalities Act 1933, the Chairman of a Committee shall be (1) the President if a member thereof (2) the Vice-President if appointed a member shall be ex-officio Chairman of the Committee, of which the President is not a member (3) a Chairman appointed by the Council, for a Committee for which there is no ex-officio Chairman, (4) Chairman to be appointed by the Committee, when the ex-officio Chairman, or Chairman appointed by the Council does not attend (5) Committee to appoint its own Chairman from among its own members, if there is no ex-officio Chairman or Chairman appointed by the Council.

In the present case, the Vice-President was not a member of the Grants Committee and as such he could not be an ex-officio Chairman of the Committee. But as in-charge President he presided over the meeting of this Committee A doubt was felt, whether the meetings presided over by the Vice-President were legal and valid and the matter was

referred to the Municipal Advocate for opinion and in his note dated 2nd November 1944, the Municipal Advocate has stated that as the Vice-President attended the meeting by virtue of his office as President-in-charge, and exercised the powers and discharged duties as such, all the deliberations and proceedings are legal, valid and binding. I am also inclined to accept this view, and request for a clarification of this view taken. I have therefore enclosed a copy of the Municipal Advocate's note for favour of information and request you to be so good as to enlighten me if the opinion held by the Municipal Advocate is correct and may be followed, for future guidance.

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT. 9 3 45

SNR.

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Appendix F G —1]

SUBJECT

Section M
File No 126 - 44
Serial No 2.

Diary No of letter replied to

No L-11273

General and Revenue Secretariat

( )

the 194

To

The Odt, Officiating, Mysore

Sir,

Date of issue 21/5/41

Signed by M Spread

With reference to your letter No MS-118-49 7/43 89-345 requesting to be intimated whether the proceedings of the Grant Committee presided over by the Vice Odt of the Officiating Odt, during the absence of the Odt on leave etc., are valid etc., and directed to state that the Vice Odt presided over the said Committee not as Vice Odt, but in his capacity as Officiating Odt & that the proceedings of the Committee accordingly

List of enclosures

Copied by

Examined by

WD 0741—GPB—15 COC—30 10-44